

NTSB Order No. EA-4366

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 19th day of May, 1995

Respondent.

30 days after the law judge's decision.² His appeal is, therefore, subject to dismissal under Section 821.48(a) of the Board's Rules of Practice (49 CFR Part 821).³

In the absence of good cause to excuse respondent's failure to perfect his appeal with a timely appeal brief, his appeal must be dismissed. See Administrator v. Hooper, 6 NTSB 559 (1988).⁴

ACCORDINGLY, IT IS ORDERED THAT:

The respondent's appeal is dismissed.

HALL, Chairman, FRANCIS, Vice Chairman, and HAMMERSCHMIDT, Member of the Board, concurred in the above order.

²Respondent's brief, postmarked February 27, includes a certificate attesting service on February 24. The due date for the brief was February 23.

³Section 821.48(a) provides as follows:

§ 821.48 Briefs and oral argument.

(a) Appeal briefs. Each appeal must be perfected within 50 days after service of an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief.

⁴While it is possible that respondent simply miscalculated the due date for the brief, our cases establish that such an error does not constitute good cause for an untimely filing. See, e.g., Administrator v. Slay and Knowles, NTSB Order No. EA-3956 (1993), reconsideration denied, NTSB Order No. 4001 (1993).